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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO	
10/824,791	04/15/2004	Mark Jeffrey Lowe	HR 16.02	8172	
7590 08/15/2005			EXAMINER		
Christopher D. Harrington			MAH, CH	MAH, CHUCK Y	
Harrington Law Offices			ART UNIT	PAPER NUMBER	
447 Ada Drive SE			ARTONII	FAFER NUMBER	
Ada, MI 49301			3677		
			DATE MAIL ED: 09/15/2004		

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)			
Office Action Summary		10/824,791	LOWE, MARK JEFFREY			
		Examiner	Art Unit			
		Chuck Mah	3677			
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
THE - Extended after - If the - If NC - Failu Any	ORTENED STATUTORY PERIOD FOR REPL MAILING DATE OF THIS COMMUNICATION. nsions of time may be available under the provisions of 37 CFR 1. SIX (6) MONTHS from the mailing date of this communication. period for reply specified above is less than thirty (30) days, a reply period for reply is specified above, the maximum statutory period re to reply within the set or extended period for reply will, by statutively received by the Office later than three months after the mailing patent term adjustment. See 37 CFR 1.704(b).	136(a). In no event, however, may a reply b ly within the statutory minimum of thirty (30) will apply and will expire SIX (6) MONTHS f b. cause the application to become ABANDO	e timely filed days will be considered timely. from the mailing date of this communication.			
Status						
1)	Responsive to communication(s) filed on	·				
2a)□	a)☐ This action is FINAL . 2b)☒ This action is non-final.					
3)□	3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.						
Disposit	on of Claims					
4)⊠ Claim(s) <u>1-16</u> is/are pending in the application.						
4a) Of the above claim(s) is/are withdrawn from consideration.						
5)	5) Claim(s) is/are allowed.					
6)⊠ Claim(s) <u>1-16</u> is/are rejected.						
l —	7) Claim(s) is/are objected to.					
8) Claim(s) are subject to restriction and/or election requirement.						
Applicat	on Papers					
9) The specification is objected to by the Examiner.						
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
	ınder 35 U.S.C. § 119					
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of:						
1. Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents have been received in Application No						
3. Copies of the certified copies of the priority documents have been received in this National Stage						
application from the International Bureau (PCT Rule 17.2(a)).						
* See the attached detailed Office action for a list of the certified copies not received.						
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	•	•				
Attachmen	i(s)					
	e of References Cited (PTO-892)	4) Interview Summa	ary (PTO-413)			
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 5) Notice of Informal Patent Application (PTO-152)						
Pape	No(s)/Mail Date <u>2pages</u> .	6) Other:	an atom Application (FTO-152)			
U.S. Patent and Ti PTOL-326 (R		ction Summary	Part of Paper No./Mail Date 20050806			

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DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because the disclosure contains two unlike abstracts. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

- The following is a quotation of the second paragraph of 35 U.S.C. 112:
 The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 3. Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, lines 5-6, "said spring being mounted substantially outboard of said hinge cup portion" cannot be understood. The disclosure does not clearly define "outboard" and figures does not show as such. Note similar errors in claims 8 and 13.

Claim 3 fails to further limit the subject matter of claim 2. "non-linear" is contrary to "substantially linear" of claim 2.

Claim 4 is confusing. From the preamble it is understood "A hinge" is being claimed. However, later in the claim the arm and the cup are said to be "affixed" to the cabinet. It is not clear whether a hinge-cabinet combination is being claimed or a hinge alone is being claimed.

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Claim 6 cannot be understood structurally. It is unclear how the invention as claimed enable a selective increase or decrease. Note similar errors in claims 10 and 15.

In claim 13, it cannot be understood what "at least on access hole" is referring to and how the hole is structurally related to the invention.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 5. Claims 1-16, as best as understood, are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Grass (5,604,956). Note the spring coil (15) shown in fig. 6.
- 6. Claims 1-16, as best as understood, are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Salice (6,289,556). '556 shows an arm 30, and a coil 28.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Mah whose telephone number is (571)272-7059. The examiner can normally be reached on 5/4-9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on (571)272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chuck Mah

Primary Examiner Art Unit 3677

CM